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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,416	11/27/2001	James L. Baggot	KCX-297 (15639)	1898
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			EXAMINER HALPERN, MARK	
			ART UNIT 1731	PAPER NUMBER

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/995,416

Applicant(s)

BAGGOT, JAMES L.

Examiner

Mark Halpern

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 77-113 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 77-113 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1) Acknowledgement is made of Amendment received 3/24/2006.

Claims 77-79, 86-94, 96, 107-110 are amended, and new claims 111-113 are offered for consideration.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2) Claims 77-89, 92-113, are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted Prior Art Teaching (PAT) in view of Kershaw (6,348,131).

Claims 77, 85, 88-89, 94-96, 98, 109-113: the admitted PAT, as in present Figure 3, discloses a cross-sectional view of a paper product made of a plurality of paper sheet layers wherein each said paper sheet layer comprises a multi-ply paper sheet or a single-ply paper sheet. The paper sheet layers are positioned adjacent to each other when stacked or wound so that the ridges and valleys of each paper sheet layer are substantially parallel to said ridges and valleys of adjacent sheet layers when wound or stacked. The PAT product discloses nested ridges and valleys. The admitted PAT does not disclose bridging regions formed into each of the exterior surface of the paper sheet layers that at least partially prevent ridges and valleys of the adjacent sheet layers

Art Unit: 1731

from mating or to inhibit nesting when the sheets are stacked or wound. Kershaw discloses a multi-ply embossed paper method of making a product and the product having ridges (or peaks) 44 and valleys 46 in a sinusoidal pattern (Kershaw, col. 7, lines 1-41 and Figure 4). The embossing forms bridging regions extending over at least two of said ridges, which prevents nesting of layers of the paper product, when stacked or wound. It would have been obvious, to one skilled in the art at the time the invention was made, to combine the teaching of PAT and Kershaw, because such a combination would control the density of the product of PAT depending on the PAT product application as disclosed by Kershaw (col. 11, lines 9-20). In regard to embossing dimensions, Kershaw discloses embossing depth of from 15 mils to about 30 mils (col. 12, lines 26-30), a width of about 1 mm and an aspect ratio (length/width) of about 1.5 (col. 9, lines 55-63). The above calculates an embossing length of about 1.5 mm, which is equal to about 59 mils. Thus the length-to-depth ratio of Kershaw is in range from about 1.97:1 to about 3.93:1. The claimed "length-to-depth ratio of from about 5:1 to about 40:1" be construed on 3.93:1 of Kershaw. See MPEP 2173.05 (b) regarding the interpretation of the term "about".

Claims 78-79, 85, 101: bridging regions are arranged in spaced apart rows as shown in Figure 11 of Kershaw.

Claims 80, 102: the bridging regions length is greater than the width (Kershaw, col. 9, lines 55-64, col. 11, lines 40-45).

Claims 81-84, 103-106: PAT in view of Kershaw is applied as above for claim 77, Kershaw discloses a calculated length of an individual embossment of about 1.5 mm

Art Unit: 1731

(0.059 in.), however PAT in view of Kershaw fails to disclose the length of the bridging region as claimed. It would have been obvious, to one skilled in the art at the time the invention was made, that the length of the bridging region be varied and include the claimed length in view that the bridging region is an embossment and the design of the embossment controls its length. The same obviousness applies to the depth of the bridging region.

Claims 86-87, 107-108: the paper product may be stacked or rolled (PAT or Kershaw, col. 6, lines 10-14).

Claims 92-93: the paper product basis weight is that of admitted PAT.

Claim 97: the embossing may be both dry and wet (Kershaw, col. 6, lines 29-42).

Claim 99: PAT in view of Kershaw is applied as above for claim 98, PAT in view of Kershaw fails to disclose the embossing roll pressure, however, it would have been obvious, to one skilled in the art at the time the invention was made, that the embossing roll pressure include the claimed range in view that Kershaw teaching that the embossing pressure is independently adjusted and varied depending on the pattern (col. 10, lines 10-19).

Claim 100: the embossing roll is formed from steel (Kershaw, col. 8, lines 20-30).

3) Claims 90-91, are rejected under 35 U.S.C. 103(a) as being unpatentable over PAT in view of Kershaw and further in view of Cook (5,048,589). PAT in view of Kershaw is applied as above for claim 77, PAT in view of Kershaw fails to disclose an through-air dried paper web. Cook discloses a process of making a towel that utilizes

Art Unit: 1731

the use of a through-air dryer 50 (Cook, col. 4, lines 25-53). It would have been obvious, to one skilled in the art at the time the invention was made, to combine the teachings of PAT and Kershaw and Cook, because such a combination would provide a product of superior level of qualities, such as softness, in the paper product of PAT in view Kershaw, as disclosed by Cook (Abstract).

### ***Response to Amendment***

- 4) Claims 77-89, 92-110, rejection under 35 U.S.C. 103(a) as being unpatentable over Kershaw (6,348,131), is withdrawn.
- 5) Claims 90-91, rejection under 35 U.S.C. 103(a) as being unpatentable over Kershaw in view of Cook (5,048,589), is withdrawn.
- 6) Applicant's arguments with respect to claims 77-110, have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 1731

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-272-1190. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Halpern  
Primary Examiner  
Art Unit 1731